

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 22, 1989

ALL-COUNTY INFORMATION NOTICE NO. I-78-89

TO: ALL COUNTY WELFARE DIRECTORS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL SDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: RELATIVE FOSTER CARE/ADOPTION PLACEMENTS

The Department has received several inquiries regarding the continuance of Aid to Families with Dependent Children Foster Care (AFDC-FC) payments in cases in which a dependent child or ward of the court is placed with relatives prior to relinquishment or termination of parental rights. The purpose of this All-County Information Notice is: (1) to provide adoption agencies with recommended procedures to follow in order to minimize any misunderstandings among the relatives providing the foster care and/or adoptive placement that might result in disruption of the placement; and (2) to ensure there is little, if any, interruption in AFDC-FC payments or the commencement of Adoption Assistance Program benefits once the child has been relinquished or parental rights are terminated.


As you know, placement can only be authorized and AFDC-FC payments can only be made for children placed in certain types of facilities, including approved homes. An "approved home" is defined as either: (1) a home exempt from licensure (i.e., a relative's home or a nonrelated legal guardian's home which is determined to be suited to the needs of the child); (2) a certified, license-pending home which is not exempt from licensure for which a license application is pending and has not been denied and the social worker or probation officer has certified the home meets the appropriate licensing standards; (3) a home that has been certified by a foster family agency; or, (4) a family home located on an Indian reservation which is used only for the placement of an Indian child and is approved by that Indian child's tribe. Please refer to Manual of Policy and Procedures (MPP) 45-101.1(b) for more information regarding this definition.

However, when a child is placed in a relative's home for foster care and that home is not licensed or certified at the time of relinquishment or termination of parental rights, (either voluntarily or involuntarily), the child's situation is tenuous at best. At the time of relinquishment or termination of parental rights, the parent and his/her relatives are no longer considered to be the child's relatives (MPP 45-101.1(ee)(2)). Consequently, the

child is now living with an unrelated caretaker. The child may have to be removed from the home once it is determined the child is in an unlicensed, nonrelative home and if steps are not taken immediately to conform to foster home licensure requirements or adoptive placement requirements. In addition, AFDC-FC payments must be discontinued until the home is either licensed or meets the definition of an approved home.

To minimize the uncertainty in a relative foster care and adoptive placement, the Department recommends that adoption agencies take the following actions early in the adoptive placement process: (1) The relatives should be informed of the effect that terminating parental rights will have on the child's eligibility to receive AFDC-FC payments. They should also be informed of the general licensing requirements for nonrelatives. (2) If the action terminating parental rights will sever the relative relationship but will not totally free the child for adoption, the caretaker should be advised to obtain a foster family home license or be certified as an approved home prior to relinquishment or termination of parental rights. Such action by the caretaker will enable AFDC-FC payments to continue. (3) If the relinquishment or termination of parental rights that fully frees the child for adoption is also the action that severs the relative relationship, the adopting parents should be encouraged to complete the adoptive homestudy prior to the relinquishment or termination of parental rights so that Adoptive Placement and Adoption Assistance Agreement forms (AD 907 and AD 4320) can be completed immediately upon the child being freed for adoption.

If you have any questions concerning this notice, please direct them to the Adoptions Policy Bureau at (916) 322-4228 or ATSS 492-4228.


LOREN D. SUTER
Deputy Director

cc: CWDA